

INTERNATIONAL SEARCH REPORT

2005

International Application No.

PCT/EP 14971

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K38/31 A61P5/08 A61P11/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K C07K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, MEDLINE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	B. BUYSE ET AL.: "Relief of sleep apnoea after treatment of acromegaly: report of three cases and review of the literature." EUROPEAN RESPIRATORY JOURNAL, vol. 10, no. 6, 1997, pages 1401-1404, XP008029507 page 1404, left-hand column, last paragraph	1-10
Y	J. DANGUIR: "The somatostatin analogue SMS 201-995 promotes paradoxical sleep in aged rats." NEUROBIOLOGY OF AGING, vol. 10, no. 4, 1989, pages 367-370, XP001189333 page 369, right-hand column, last paragraph ----- -/-	1-10

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

7 April 2004

Date of mailing of the international search report

23/04/2004

Name and mailing address of the ISA

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	J.C. REUBI ET AL.: "A new peptidic somatostatin agonist with high affinity to all five somatostatin receptors." EUROPEAN JOURNAL OF PHARMACOLOGY, vol. 456, 2002, pages 45-49, XP002276363 page 48, right-hand column, paragraph 2 -page 49, left-hand column, paragraph 1; figure 1B ---	1-10
X	WO 97/01579 A (SANDOZ AG ;ALBERT RAINER (CH); LEWIS IAN (CH); BAUER WILFRIED (CH)) 16 January 1997 (1997-01-16) cited in the application claims 1-5,8-10 ---	9
Y	---	1-10
X	WO 02/10192 A (NOVARTIS ERFIND VERWALT GMBH ;ALBERT RAINER (CH); LEWIS IAN (CH);) 7 February 2002 (2002-02-07) cited in the application page 1, paragraphs 1,2; claims 1-4,7,8,10 ---	9,10
Y	---	1-10
P,Y	WO 03/037256 A (YOUNG CHARLES W) 8 May 2003 (2003-05-08) page 10, last paragraph -page 14, last paragraph page 25, paragraph 4; claims 67-108; examples 7-20 -----	1-10

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T/EP 03/14971

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 5-8 and partly claim 10 (as far as being dependent on claims 5-8) are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.: 1-9 (all in part)
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

Continuation of Box I.2

Claims Nos.: 1-9 (all in part)

Present claims 1-9 (all in part) relate to the use of an extremely large number of possible somatostatin analogues. Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the compounds claimed. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to the use of compound KE108 as specified on page 2, paragraph 2 of the description and mentioned in claim 1, and the compound as referred to in the description as "Compound A" (page 5, paragraph 1; page 8, item B) and claimed in claim 10.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

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Patent document cited in search report	Publication date	Patent family member(s)	Publication date
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